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## CHAMBER ACTION

1 The Juvenile Justice Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to youthful offenders; amending ss.  
7 958.045 and 958.11, F.S.; revising sentencing provisions  
8 for juvenile offenders who violate the terms of their  
9 probation; revising references to obsolete offices within  
10 the Department of Corrections relating to youthful  
11 offenders; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Subsection (2), paragraph (c) of subsection  
16 (5), and paragraph (a) of subsection (8) of section 958.045,  
17 Florida Statutes, are amended to read:

18 958.045 Youthful offender basic training program.--

19 (2)(a) Upon receipt of a youthful offender ~~offenders~~, the  
20 department shall screen the offender ~~offenders~~ for the basic  
21 training program. To participate, an offender must have no  
22 physical limitations that preclude participation in strenuous  
23 activity, must not be impaired, and must not have been

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24 | previously incarcerated in a state or federal correctional  
25 | facility. In screening an offender ~~offenders~~ for the basic  
26 | training program, the department shall consider the offender's  
27 | criminal history and the possible rehabilitative benefits of  
28 | "shock" incarceration.

29 |       **(b)** If an offender meets the specified criteria and space  
30 | is available, the department shall request, in writing from the  
31 | sentencing court, approval for the offender to participate in  
32 | the basic training program. ~~When If the person is classified by~~  
33 | ~~the department as a youthful offender and the department~~  
34 | ~~requests is requesting~~ approval from the sentencing court for  
35 | placement of an offender in a basic training ~~the~~ program, the  
36 | department shall, at the same time, notify the state attorney  
37 | that the offender is being considered for placement in the basic  
38 | training program. The notice must explain that the purpose of  
39 | such placement is diversion from lengthy incarceration when a  
40 | short "shock" incarceration could produce the same deterrent  
41 | effect, and that the state attorney may, within 14 days after  
42 | the mailing of the notice, notify the sentencing court in  
43 | writing of objections, if any, to the placement of the offender  
44 | in the basic training program.

45 |       **(c)** The sentencing court shall notify the department in  
46 | writing of placement approval no later than 21 days after  
47 | receipt of the department's request for placement of the  
48 | youthful offender in the basic training program. Failure to  
49 | notify the department within 21 days shall be considered ~~an~~  
50 | approval by the sentencing court for placing the youthful  
51 | offender in the basic training program. Each state attorney may

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52 | develop procedures for notifying the victim that the offender is  
53 | being considered for placement in the basic training program.

54 |       (5)

55 |       (c) The portion of the sentence served prior to placement  
56 | in the basic training program may not be counted toward program  
57 | completion. Upon the offender's completion of the basic training  
58 | program, the department shall submit a report to the court that  
59 | describes the offender's performance. If the offender's  
60 | performance has been satisfactory, the court shall issue an  
61 | order modifying the sentence imposed and placing the offender on  
62 | probation. The term of probation may include placement in a  
63 | community residential program. If the offender violates the  
64 | conditions of probation, the court may revoke probation and  
65 | impose any sentence that it might have originally imposed ~~as a~~  
66 | ~~condition of probation.~~

67 |       (8)(a) The department ~~Assistant Secretary for Youthful~~  
68 | ~~Offenders~~ shall continuously screen all institutions,  
69 | facilities, and programs for any inmate who meets the  
70 | eligibility requirements for youthful offender designation  
71 | specified in s. 958.04, whose age does not exceed 24 years. The  
72 | department may classify and assign as a youthful offender any  
73 | inmate who meets the criteria of s. 958.04.

74 |       Section 2. Subsections (4), (5), and (6) of section  
75 | 958.11, Florida Statutes, are amended to read:

76 |       958.11 Designation of institutions and programs for  
77 | youthful offenders; assignment from youthful offender  
78 | institutions and programs.--

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79           (4) The department ~~Office of the Assistant Secretary for~~  
80 ~~Youthful Offenders~~ shall continuously screen all institutions,  
81 facilities, and programs for any inmate who meets the  
82 eligibility requirements for youthful offender designation  
83 specified in s. 958.04(1)(a) and (c) whose age does not exceed  
84 24 years and whose total length of sentence does not exceed 10  
85 years, and the department may classify and assign as a youthful  
86 offender any inmate who meets the criteria of this subsection.

87           (5) The department ~~Population Movement and Control~~  
88 ~~Coordinator~~ shall coordinate all youthful offender assignments  
89 or transfers ~~and shall consult with the Office of the Assistant~~  
90 ~~Secretary for Youthful Offenders~~. The department ~~Office of the~~  
91 ~~Assistant Secretary for Youthful Offenders~~ shall review and  
92 maintain access to full and complete documentation and  
93 substantiation of all such assignments or transfers of youthful  
94 offenders to or from facilities in the state correctional system  
95 that ~~which~~ are not designated for their care, custody, and  
96 control, except assignments or transfers made pursuant to  
97 paragraph (3)(c).

98           (6) The department may assign to a youthful offender  
99 facility any inmate, except a capital or life felon, whose age  
100 does not exceed 19 years but who does not otherwise meet the  
101 criteria of this section, if the department ~~Assistant Secretary~~  
102 ~~for Youthful Offenders~~ determines that such inmate's mental or  
103 physical vulnerability would substantially or materially  
104 jeopardize his or her safety in a nonyouthful offender facility.  
105 Assignments made under this subsection shall be included in the  
106 department's annual report.

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107 |       Section 3.   This act shall take effect July 1, 2005.       |